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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,252	03/19/2001	Gary B. Gordon	10010189-1	7805
22878	7590	12/14/2004	EXAMINER ABDULSELAM, ABBAS I	
AGILENT TECHNOLOGIES, INC. INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT. P.O. BOX 7599 M/S DL429 LOVELAND, CO 80537-0599			ART UNIT 2674	PAPER NUMBER

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,252

Applicant(s)

GORDON ET AL.

Examiner

Abbas I Abdulsalam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see # 11, filed on 06/14/04 with respect to the rejection(s) of claim(s) 1-35 under U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Edwards (USPN 5194862) and Wallace et al. (USPN 6621483).

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2 and 19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 11 of U.S. Patent No. 6621483

Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claim 1 of the present application is met by claim 1 of the patent. It would have been obvious that "a plurality of sensing elements", and "pixel values" as used in the present

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application are patently indistinctive from, and correspond to “an imaging surface”, and “digital representation” respectively as used in the patent.

Claim 19 of the present application is met by claim 11 of the patent. It would have been obvious that “a plurality of sensing elements”, and “sensing an impedance” as used in the present application are patently indistinctive from, and correspond to “an imaging surface”, and “photodetectors” respectively as used in the patent.

Claim 2 of the present application is met by claim 1 of the patent.

3. Claims 3-18 and 20-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 11 of U.S. Patent No. 6621483 in view of Edwards (USPN 5194862).

Regarding claims 4 and 20, the claims in the patent do not teach the electrical property being a capacitance. Edwards on the other hand teaches a sensory array system in which capacitive effects are utilized (col. 3, lines 11-22). It would have been obvious to utilize the electrical property of claim 1 to adapt Edwards use of capacitance. Because both claim 1 of the patent and Edwards teach about touch sensing and one of ordinary skill in the art would have looked toward Edwards for the manner by which the sensing takes place.

Likewise, it would have been obvious to utilize the following teachings of Edwards with respect respective claims.

Regarding claim 3, Edward teaches a detection circuit that is configured with a parallel feedback impedance (53) as shown in Fig. 7.

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Regarding claims 5-9, 11, 21-25 and 27, Edward teaches a circuit representing a sensing element of an array (Fig. 2), which includes a sensing electrode (15) in the form of a rectangular pad of conductive material, which is covered by an insulating layer.

Regarding claims 10 and 26, Edwards teaches a touch sensor system including an array of sensing elements carried on a common substrate to from a sensing panel (10) (col. 4, lines 12-14).

Regarding claims 12-13 and 27, Edwards teaches a current amplifier may be connected to the column conductor (34) to measure the current flow through the matrix transistors 36 and 37 (col. 7, lines 38-40).

Regarding claim 14, Edward teaches that a column detection circuit 41 (FIG. 1) whose operations are controlled and synchronized by a timing and control circuit (43).

Regarding claims 15-18 and 28-35, Edward teaches the sensing elements (12) that are in an X-Y array with rows and columns. Edward further teaches array of sensing elements (12) of the sensing panel 10 are combined with the active matrix switching devices (16) together with driving and addressing conductors (col. 4, lines 30-41).

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulsalam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

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Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.

Abbas Abdulsalam

Examiner

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December 7, 2004


XIAO WU
PRIMARY EXAMINER